

HOUSE BILL NO. 515

41-3-424. Dismissal. (1) Except as provided in subsection (2), unless the petition has been previously dismissed, the court shall dismiss an abuse and neglect petition on the motion of a party, or on its own motion, in any case in which all of the following criteria are met:

(1) a child who has been placed in foster care is reunited with the child's parents and returned home;

(2) the child remains in the home for a minimum of 6 months with no additional confirmed reports of child abuse or neglect; and

(3) the department determines and informs the court that the issues that led to department intervention have been resolved and that no reason exists for further department intervention or monitoring.

(4) ~~The department shall provide 10 days prior written notice to the parties including the guardian ad litem and court appointed special advocate before filing an affidavit to dismiss the case.~~

(5) ~~3. If, upon the motion by a party to dismiss an abuse and neglect petition, one of the parties objects to the motion, the court may schedule a hearing on the motion TO DETERMINE WHETHER DISMISSAL IS IN THE BEST INTERESTS OF THE CHILD. The court shall hear evidence regarding whether the petition should be dismissed or should remain in effect. After hearing the evidence, the court shall make a decision on the motion based on the best interests of the child. The court's decision must include findings of fact and conclusions of law."~~

41-3-440. Limitation on placement. (1) Except as provided in 41-3-301(1) and in the absence of a dispute between the parties to the action regarding the appropriate placement, the department shall determine the appropriate placement for a child alleged to be or adjudicated as a youth in need of care. Prior to the department returning the child to the child's home, the department shall provide 10 days prior written notice to the parties, including the guardian ad litem and the court appointed special advocate. The court shall settle any dispute between the parties to an action regarding the an appropriate placement. The child may not be placed in a youth assessment center, youth detention facility, detention center, or other facility intended or used for the confinement of adults or youth accused or convicted of criminal offenses.

I THINK THE FOLLOWING LANGUAGE WOULD NOT BE NECESSARY/WOULD BE REDUNDANT, UNLESS IT REPLACES EXISTING SENTENCE ABOUT DISPUTES

~~(2) Any time after notice has been provided until the child has remained placed in the home for six months in accordance with 41-3-424, a party, including the guardian ad litem, or court appointed special advocate may file a written objection to the placement of the child, and the court may have a hearing on the matter to determine whether the placement of the child is in the child's best interests.~~

*If the child does not stay at home,
424 does not kick in. Unswirl
424 as written above applies to all
dismissals.*